

**ASSEMBLY BILL**

**No. 1131**

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**Introduced by Assembly Member Lara**

February 18, 2011

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An act to amend Section 14666.8 of the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1131, as introduced, Lara. Telecommunications: location of mobile telephony service facilities on state-owned real property.

Existing law requires the Director of General Services to compile and maintain an inventory of state-owned real property, excluding certain property, that may be available for lease to providers of wireless telecommunications services for location of wireless telecommunications facilities, and to provide a requesting party, upon payment of any applicable fee, with a copy of the inventory.

This bill would make a technical, nonsubstantive revision to that requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14666.8 of the Government Code is  
2     amended to read:  
3     14666.8. (a) The director shall, ~~within 120 days of the~~  
4     ~~operative date of this section,~~ compile and maintain an inventory  
5     of state-owned real property that may be available for lease to  
6     providers of wireless telecommunications services for location of

1 wireless telecommunications facilities. This inventory shall be the  
2 state's sole inventory of state-owned real property available for  
3 this purpose. The term "state-owned real property," as used in this  
4 section, excludes property owned or managed by the Department  
5 of Transportation and property subject to Section 7901 of the Public  
6 Utilities Code.

7 (b) The director shall provide, in a cost-effective manner, upon  
8 payment of any applicable fee, a requesting party a copy of the  
9 inventory.

10 (c) On behalf of the state, the director may negotiate and enter  
11 into an agreement to lease department-managed and state-owned  
12 real property to any provider of wireless telecommunications  
13 services for location of its facilities. A lease for this purpose shall  
14 do all of the following:

15 (1) Provide for fair market value to be paid by the provider of  
16 wireless telecommunications service to the state to the extent  
17 permitted under existing state law.

18 (2) Designate a lease term that is acceptable to the director and  
19 the state agency that has control over the property. The duration  
20 of the initial lease term for any wireless facility may not exceed  
21 10 years, and the lease may provide for a negotiated number of  
22 renewal terms, not to exceed five years for each term.

23 (3) Provide for the use of the wireless provider's facilities  
24 located on the state-owned real property by any appropriate state  
25 agency if technically, legally, aesthetically, and economically  
26 feasible.

27 (4) Facilitate, to the greatest extent possible, agreements among  
28 providers of wireless telecommunications services for colocation  
29 of their facilities on state-owned real property.

30 (d) Nothing in this section alters any existing rights of telegraph  
31 or telephone corporations pursuant to Section 7901 of the Public  
32 Utilities Code.

33 (e) Notwithstanding any other provision of law, any revenue  
34 collected from a lease entered into pursuant to this section to use  
35 property that was acquired with money from a fund other than the  
36 General Fund shall be deposited into the fund from which the  
37 money was obtained. Money received and deposited into a fund  
38 pursuant to this section shall be available upon appropriation by  
39 the Legislature, notwithstanding any other provision of law.

1 (f) Before making any state-owned real property that is part of  
2 the State Water Resources Development System, as described in  
3 Section 12931 of the Water Code, available for leasing under this  
4 section, the director shall consult with the Department of Water  
5 Resources as to whether the proposed location of a wireless  
6 telecommunication facility is technically, legally, environmentally,  
7 and economically feasible for wireless telecommunication  
8 purposes.

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